

These minutes are subject to formal approval by the Wyoming Zoning Board of Appeals at their regular meeting on July 18, 2016.

MINUTES OF THE WYOMING BOARD OF ZONING APPEALS  
HELD AT WYOMING CITY HALL

June 20, 2016

The meeting was called to order at 1:30 P.M. by Chairman VanderSluis.

Members present:    Beduhn            Burrill            Buist            Lomonaco  
                                 Meeter            Postema        VanderSluis

Member absent:     Palmer

A motion was made by Lomonaco, and seconded by Buist to excuse Palmer

Motion carried:     7 Yeas            0 Nays

Other official present:     Tim Cochran, City Planner

A motion was made by Postema, and seconded by Burrill to approve the minutes of the Board of Zoning Appeals meeting.

Motion carried:     7 Yeas            0 Nays

PUBLIC HEARING:

Appeal #V160017            P.P. #41-17-34-127-007  
Van Wyk, Kenric & Carol  
5322 Naples Cedar Dr SW  
Zoned R1

The application requesting two variances from the City of Wyoming Zoning Code was read by Secretary Lomonaco as follows:

Zoning Code Section 90-403A Development Standards requires residences to have a 35 foot rear yard setback, and a combined 20 foot side yard setback, in this R-1 Single Family Residential district. The petitioner desires to construct an addition to the rear of the home. The addition would come to within 29 feet of the rear (east) property line. Also, the addition would come to within 8 feet 10 <sup>3</sup>/<sub>4</sub> inches from the side (south) property line. That proposed side yard setback, in combination with the opposing 10 foot 4 inch side yard setback, results in a combined side yard setback of 19 feet 2 <sup>3</sup>/<sub>4</sub> inches. The requested variances are to authorize a reduction of 6 feet from the required 35 foot rear yard setback, and a reduction of 9 <sup>1</sup>/<sub>4</sub> inches from the required 20 foot combined side yard setback.

Chairman VanderSluis opened the public hearing.

Mr. Jim VanderMolen, architect, spoke on behalf of the property owner. He said the application and submittals were adequate, and he had nothing further to add.

There being no further remarks, Chairman VanderSluis closed the public hearing.

Cochran said staff supported the variance request. The property abuts a large property to the east, which is in wetlands. It is doubtful the neighboring property will ever be developed, and it would be the only property that could be impacted. The proposed addition will enhance the value of the property. Staff formulated Finding of Facts for the Board's consideration.

A motion was made by Lomonaco and seconded by Beduhn that the request for a variance in application no. V160017 be granted, accepting staff's Finding of Facts.

1. That there are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to other property or class of use in the same vicinity and district because the petitioner proposes to construct a three season room to the rear of the residence. The addition would come to within 29 feet of the rear property line and 8 feet 10 3/4 inches from the side property line. The Zoning Ordinance requires a 35 foot rear yard setback (a 6 foot reduction requested) and a 20 foot combined side yard setback (a 9 1/4 inch reduction requested). The property behind this residence is a large wooded wetland area that is restricted from development. The likelihood of residential development in that area is remote. The proposed additions side yard encroachment of 9 1/4 inches is negligible.
2. That such variance is necessary for the preservation and enjoyment of substantial property rights because the petitioner is otherwise entitled to enlarge the residence. The authorization of the requested variance allows this to occur.
3. That the granting of such variance will not diminish the marketable value of adjacent land and improvements, or unduly increase congestion in the public streets because the proposed improvement to the property will contribute to the overall marketability of the neighborhood. The improvements will have no impact on traffic.
4. That the condition or situation of a specific piece of property, or the intended use of said property, for which the variance is sought is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such condition or situation because the large wetland property to the rear of the residence, and the nominal reduction in the side yard setback, is a situation that would not make practicable the formulation of a general regulation.

Motion carried:           7 Yeas           0 Nays (Resolution #5604)

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There were no public comments at the meeting.

Cochran noted there would not be a meeting on July 5, 2016 however the new business items for July 18, 2016 were discussed by Cochran and the Board members.

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Canda Lomonaco  
Secretary

CL:cb